

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LOYDE BELL,

Plaintiff,

V.

**GEOVERA SPECIALTY INSURANCE
COMPANY, TEAM ONE ADJUSTING
SERVICES, LLC, GAIL LOCKWOOD
AND RAMIRO CAZAS,**

Defendants.

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CIVIL ACTION NO. _____

**DEFENDANT GEOVERA SPECIALTY INSURANCE COMPANY'S
NOTICE OF REMOVAL**

TO THE HONORABLE COURT:

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant GeoVera Specialty Insurance Company ("GeoVera" or "Defendant") files this Notice of Removal to the United States District Court for the Southern District of Texas, Houston Division, on the basis of diversity of citizenship and amount in controversy and respectfully shows:

I. FACTUAL AND PROCEDURAL BACKGROUND

1. On September 20, 2019, Plaintiff Loyde Bell filed his Original Petition, styled *Loyde Bell v. GeoVera Specialty Insurance Company, Team One Adjusting Services LLC, Gail Lockwood and Ramiro Cazas*, Cause No. 2019-68596, in the 133rd Judicial District Court, Harris County, Texas. The lawsuit arises out of a claim Plaintiff made for damages to his property under an insurance policy issued by GeoVera.

2. Plaintiff served GeoVera with a copy of the Plaintiff's Original on September 27, 2019.

3. Defendant Ramiro Cazas was served on October 2, 2019.

4. Defendant Gail Lockwood was served on October 8, 2019.

5. GeoVera's Answer was filed on October 28, 2019.

6. Ramiro Cazas' Answer was filed on October 28, 2019.

7. GeoVera files this notice of removal within 30 days of receiving Plaintiff's Citation and Original Petition. *See* 28 U.S.C. § 1446(b). This Notice of Removal is being filed within one year of the commencement of this action. *Id.* All process, pleadings, and orders in the state court action are attached to this Notice as required by 28 U.S.C. § 1446(a). A copy of this Notice is also concurrently being filed with the state court and served upon Plaintiff.

8. As required by 28 U.S.C. § 1446(a), and Rule 81 of the Local Rules for the United States District Court of the Southern District of Texas, being filed simultaneously with the filing of this Notice of Removal:

Exhibit A: Index of Matters Being Filed

Exhibit B: Docket Sheet

Exhibit C: Plaintiff's Original Petition

Exhibit D: Civil Process Pickup Form

Exhibit E: Citation served on GeoVera Specialty Insurance Company

Exhibit F: Citation served on Gail Lockwood

Exhibit G: Citation served on Ramiro Cazas

Exhibit H: Defendant GeoVera Specialty Insurance Company's and Ramiro Cazas' Original Answer to Plaintiff's Original Petition

Exhibit I: List of Parties and Counsel

II. BASIS FOR REMOVAL

9 Removal is proper based on diversity of citizenship under 28 U.S.C. §§ 1332(a)(1), 1441(a), and 1446.

A. Plaintiff and Defendant GeoVera are diverse.

10. **Plaintiff Loyde Bell** is an individual residing in Harris County, Texas;

11. **Defendant, GeoVera Specialty Insurance Company** is incorporated under the laws of the State of California, with its principal place of business in Fairfield, California. GeoVera is therefore not a citizen of the State of Texas for diversity purposes.

12. Thus, this lawsuit is between citizens of different states, and there is complete diversity of citizenship between Plaintiff and GeoVera.

13. **Defendant Team One Adjusting Services, LLC** is and was at the time the lawsuit was filed, a company with its principal place of business in Texas. Concerning the claims against Team One, however, it is GeoVera's position that Plaintiff improperly and/or fraudulently joined Team One. Because of this improper joinder, the Court must disregard Team One's Texas citizenship to evaluate diversity in this matter. Moreover, at the time of this filing, Team One has not been served.

14. **Defendant Ramiro Cazas** is and was at the time the lawsuit was filed a citizen and resident of California.

15. **Defendant Gail Lockwood** is and was at the time the lawsuit was filed a citizen and resident of Florida.

16. Pursuant to all applicable provisions of Texas Insurance Code Section 542A, GeoVera accepts the liability of Team One, Lockwood and Cazas and pursuant to this election, GeoVera immediately seeks their dismissal with prejudice as parties to this matter. This election further supports the complete diversity of the Plaintiff and GeoVera, the insurance carrier.

B. The Amount in Controversy Exceeds the Jurisdictional Requirements for Subject Matter Jurisdiction.

14. This is a civil action in which the amount in controversy exceeds \$75,000.00. Plaintiff's Original Petition expressly alleges that "Plaintiff is seeking monetary relief over \$200,000 but not more than \$1,000,000." (Pl's Orig. Pet. ¶7). Thus, the express allegations in the Petition exceed the amount in controversy threshold of \$75,000.00.

III. THIS REMOVAL IS PROCEDURALLY CORRECT

15. GeoVera received service of this lawsuit on September 27, 2019. Thus, GeoVera is filing this Notice within the 30-day time period required by 28 U.S.C. § 1446(b).

16. Venue is proper in this District and Division under 28 U.S.C. §1446(a) because this District and Division embrace the county in which the state action has been pending, and a substantial part of the events giving rise to Plaintiff's claims allegedly occurred in this District and Division.

17. Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice.

18. Promptly after GeoVera files this Notice of Removal, written notice of the filing will be given to Plaintiff pursuant to 28 U.S.C. §1446(d).

19. Promptly after GeoVera files this Notice of Removal, a true and correct copy of same will be filed with the Clerk of the Harris County District Court pursuant to 28 U.S.C. §1446(d).

CONCLUSION

20. Based upon the foregoing, the exhibits submitted in support of this removal, and other documents filed contemporaneously with this Notice of Removal, Defendant GeoVera hereby removes this case to this Court for trial and determination.

Respectfully submitted,

/s/ Rhonda J. Thompson

Rhonda J. Thompson
State Bar No. 24029862
So. Dist. No.: 17055

THOMPSON, COE, COUSINS & IRONS, L.L.P.

700 N. Pearl Street, 25th Floor

Dallas, Texas 75201

Telephone: (214) 871-8200

Facsimile: (214) 871-8209

Email: rthompson@thompsoncoe.com

**COUNSEL FOR DEFENDANT
GEOVERA SPECIALTY INSURANCE
SERVICES**

CERTIFICATE OF SERVICE

This is to certify that on the 28th day of October, 2019, a true and correct copy of the foregoing was delivered to the following counsel of record in accordance with the Federal Rules of Civil Procedure:

Michael A. Downey
Mostyn Law
3810 West Alabama Street
Houston, TX 77027
Facsimile: (713) 714-1111
MADDocketEfile@mostynlaw.com
Attorney for Plaintiff

/s/ Rhonda J. Thompson

Rhonda J. Thompson